

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TYRAN PINKINS,

Plaintiff,

Case No. 19-cv-0368-bhl

v.

CITY OF RACINE, et al.,

Defendants.

ORDER DISMISSING DEFENDANTS EMPER AND ROBINSON

On September 8, 2020, plaintiff filed his second amended complaint, identifying several previously unknown defendants. (ECF No. 49.) Under Fed. R. Civ. P. 4(m), plaintiff had ninety days to serve these new defendants, giving him until December 7, 2020 to do so. However, two of the new defendants, Christopher J. Emper and Jordan Robinson, still have not appeared.

On January 29, 2021, the Court ordered plaintiff to file proof of timely and proper service as to those two defendants, and if plaintiff did not, the action against those defendants would be dismissed. (ECF No. 76.) On February 15, 2021, several days after his February 11 deadline, plaintiff filed an “Affidavit of Non-Service” for defendant Emper and another for defendant Robinson. (ECF No. 79, 80.) Because plaintiff did not file proof of timely and proper service against those two defendants, the actions against them will be dismissed pursuant to Fed. R. Civ. P. 4(m). Accordingly,

IT IS HEREBY ORDERED that the plaintiff’s actions against defendants Christopher J. Emper and Jordan Robinson are **DISMISSED** without prejudice.

Dated at Milwaukee, Wisconsin on February 17, 2021.

s/ Brett H. Ludwig
BRETTH. LUDWIG
United States District Judge
